

**IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION**

**CRIMINAL APPEAL NO(S). 2284 OF 2025
[@ SPECIAL LEAVE PETITION (CRL.) NO. 12356 OF 2024]**

ROHAN & ORS.

Appellant(s)

VERSUS

THE STATE OF GUJARAT & ANR.

Respondent(s)

ORDER

Leave granted.

The appellants before this Court have challenged the order dated 22.07.2024 passed by the High Court of Gujarat in a petition filed under Section 482 Cr. P.C. for quashing the FIR against them.

Brief facts of the case are as follows :-

The complainant – Respondent No. 2 was married to Appellant No. 1 on 10.04.2023 and they stayed together as husband and wife for four months. Appellant No. 1 (husband) had a skin disease called leukoderma which was visible on his face and hands. Respondent No. 2 (wife) lodged an FIR against the

appellants on 30.09.2023 stating that she married Appellant No. 1 because he was an Eye Surgeon, but he turned out to be an 'Optometrist' (a healthcare provider who specializes in caring for eyes, examining, diagnosing and treating diseases and disorders that affect vision). This fact was not known to her till 21.05.2023, the date of their Reception for which Invitation Cards were sent to the guests and in the Invitation Card, his qualification was shown to be B.Sc.

From all reasonable assumptions as well as the documents which have been placed before us, it is clear that the complainant had full knowledge that the appellant was suffering from skin disease and he was not an Eye Surgeon, but an Optometrist. The complainant was a student of M.Com at the time of her marriage with the appellant, against the wishes of her parents. From the whatsapp chats which has been shown to us; not disputed, it is clear that there was no effort on the part of the appellant to disguise or befool the complainant regarding his skin disease or regarding his qualification. The FIR has been filed totally for

extraneous reasons.

This is a befitting case where the High Court should have exercised its powers under Section 482 of the Criminal Procedure Code and should have quashed the proceedings as this is nothing but an abuse of process of law.

Thus, for the reasons stated above, we quash the criminal proceedings against the appellant(s) and set aside the impugned order passed by the High Court. The appeal stands allowed.

Pending interlocutory application(s), if any, is/are disposed of.

.....**J.**
[**SUDHANSHU DHULIA**]

.....**J.**
[**K. VINOD CHANDRAN**]

New Delhi;
APRIL 29, 2025.

ITEM NO.10

COURT NO.12

SECTION II-B

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition for Special Leave to Appeal (Crl.) No. 12356 of 2024

[Arising out of impugned final judgment and order dated 22.07.2024 in CRLMA No. 8336 of 2024 passed by the High Court of Gujarat at Ahmedabad]

ROHAN & ORS.

Appellant(s)

VERSUS

THE STATE OF GUJARAT & ANR.

Respondent(s)

Date : 29-04-2025 This matter was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE SUDHANSHU DHULIA
HON'BLE MR. JUSTICE K. VINOD CHANDRAN

For Appellant(s) : Mr. Somesh Chandra Jha, AOR
Mr. H. B. Shethna, Adv.
Ms. Saumya Dwivedi, Adv.
Mr. Akash Kishore, Adv.
Mr. Animesh Rajoriya, Adv.

For Respondent(s) : Dr. Purvish Jitendra Malkan, Sr. Adv.
Ms. Dharita Malkan, Adv.
Mr. Alok Kumar, Adv.
Mr. Kush Goel, Adv.
Ms. Khushboo Aakash Sheth, AOR

Ms. Swati Ghildiyal, AOR
Mr. Rishi Yadav, Adv.

UPON hearing the counsel the Court made the following
O R D E R

Leave granted.

The appeal is allowed in terms of the signed order.

Pending interlocutory application(s), if any, is/are disposed of.

(JAYANT KUMAR ARORA)
ASTT. REGISTRAR-cum-PS

(RENU BALA GAMBHIR)
ASSISTANT REGISTRAR

(Signed order is placed on the file)